

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION
OF KAVANAGH FISHERIES, INC.
OWNER OF THE F/V ATLANTIC
FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

Civil Action No. 05-10637-GAO

**ZIM'S STATEMENT SUPPORTING
MOTION TO EXTEND SCHEDULING ORDER**

Claimants Zim American Integrated Shipping Services Ltd; Zim Israeli Integrated Shipping Services Ltd; Zim American Israeli Shipping Company Inc.; and Zim Israel Navigation Company Ltd. (collectively "Zim") dispute petitioner's suggestion that Zim has disregarded discovery obligations. See Petitioner, Kavanagh Fisheries, Inc.'s Opposition to the Claimants' Motion to Extend the Scheduling Order.

Attached is a July 27, 2007 e-mail exchange between undersigned counsel for Zim and petitioner's counsel, when it was understood that last summer's Lebanese conflict presented delays in assembling discovery at Zim's Haifa, Israel headquarters. Zim thereafter provided full discovery, including 5+ inches of documents fully organized into 27 packets arranged by bill of lading number and their respective related documents (e.g., surveys, invoices, other claims documents).

Also attached is an August 7, 2007 e-mail exchange where petitioner's counsel understood claimants' counsel were "amenable to extending discovery deadlines if we need to" and that we would "discuss settlement after the

exchange of paper discovery.” Here, the paper discovery burdens contrasted sharply between claimants and petitioner.

For the purposes of scheduling hearings, undersigned counsel respectfully notes I will be out of the country February 19-23, 2007 during school vacation week and in New Orleans on business March 12-15, 2007.

RESPECTFULLY SUBMITTED February 8, 2007.

De ORCHIS, WIENER & PARTNERS, LLP
Attorneys for Zim Claimants

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(508) 432-2121

David J. Farrell, Jr.

From: David J. Farrell, Jr. [farrell@sealaw.org]
Sent: Thursday, July 27, 2006 11:45 AM
To: Joseph A. Regan
Cc: Atty Thomas J. Muzyka
Subject: RE: In re Kavanagh Fisheries, Inc., D. Mass. No. 05-10637-GAO

Thanks; OK with me.

DF

-----Original Message-----

From: Joseph A. Regan [mailto:JAR@regankiely.com]
Sent: Thursday, July 27, 2006 10:57 AM
To: farrell@sealaw.org
Cc: Atty Thomas J. Muzyka
Subject: RE: In re Kavanagh Fisheries, Inc., D. Mass. No. 05-10637-GAO

What a lame excuse. I have no problem with an extension. My only concern is at the other end of discovery. We are off to a very slow start. If we can't resolve the various claims, and I think that the biggest impediment is the fuel claim, we may need more time for depositions, etc. I presume that you (and Tom) will be amenable to any extension to finish discovery amongst us.

Joseph A. Regan
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From: David J. Farrell, Jr. [mailto:farrell@sealaw.org]
Sent: Thursday, July 27, 2006 8:47 AM
To: Joseph A. Regan
Cc: Atty Thomas J. Muzyka
Subject: In re Kavanagh Fisheries, Inc., D. Mass. No. 05-10637-GAO

Buddy,

7/27/2006

I'm going to need an extension on answering Kavanagh's interrogatories and requests for production to Zim. It seems most of the back-up documents for Zim's claims are kept at Haifa, Israel HQ which is in a state of disarray from rocket attacks.

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7/27/2006

David J. Farrell, Jr.

From: Joseph A. Regan [JAR@regankiely.com]
Sent: Monday, August 07, 2006 7:07 AM
To: Thomas Muzyka
Cc: Farrell@sealaw.org
Subject: RE: IN THE MATTER OF THE PETITION OF KAVANAGH FISHERIES, INC.; CIVIL ACTION: NO: 05-10637-GAO

Tom,

No problem. As I said to Dave when he made a similar request, my only concern is at the other end of discovery. We are off to a slow start. The Scheduling Conference was almost three months ago. Scheduling crew depositions may be a problem. I assume that you and Dave will be amenable to extending discovery deadlines if we need to.

I would suggest that we discuss settlement after the exchange of paper discovery. While I am speaking without authority at this time, mediation before an extensive (and expensive) round of deposition taking might be something to consider as well.

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From: Thomas Muzyka [mailto:tmuzyka@clinmuzyka.com]
Sent: Thursday, August 03, 2006 12:03 PM
To: Joseph A. Regan
Cc: Farrell@sealaw.org
Subject: IN THE MATTER OF THE PETITION OF KAVANAGH FISHERIES, INC.; CIVIL ACTION: NO: 05-10637-GAO

Re: **IN THE MATTER OF THE PETITION OF KAVANAGH FISHERIES, INC.,**
OWNER OF THE F/V ATLANTIC, FOR EXONERATION FROM OR LIMITATION OF LIABILITY.
CIVIL ACTION: NO: 05-10637-GAO

8/7/2006

Dear Buddy:

I called today and left a message with your receptionist asking for a three [3] week extension [ending on August 28, 2006] to answer Interrogatories and produce documents for the Claimants, Lombard Corporation Finance (December 3) Limited and Berryford Shipping (UK) Limited.

I need to collect more documents from London to answer and file responsive pleadings. I would appreciate your professional courtesy to this request.

Best regards,
Tom Muzyka
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8/7/2006